



FINAL APPROVED **P&Z MEETING MINUTES**

Tuesday, March 28, 2017 - 6:00 PM

Roswell Planning & Zoning Commission

**Bassett Auditorium, Roswell Museum and Art Center
100 West 11th Street**

Chair: Ralph Brown, Vice Chair: Riley Armstrong
Members: Shirley Childress, Toby Gross, David Storey,
Kent Taylor, Jessie McDaniel

Planning Staff: Merideth Hildreth, AICP
Miguel Martinez
William Morris, AICP, CZO
Louis Najar, PE

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 16-69.

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Brown with the following members present:

B. ROLL-CALL

Ralph Brown (Chair)	PRESENT
Riley Armstrong (Vice Chair)	PRESENT
Toby Gross	PRESENT
Shirley Childress	PRESENT
David Storey	PRESENT
Kent Taylor	PRESENT
Jesse McDaniel	PRESENT

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator; Miguel Martinez, Planning & Zoning Technician; William Morris, AICP, CZO, Planning Manager; Louis Najar, P.E., Director of Planning & Engineering & Interim City Manager

Audience Members Present who Signed In:

Richard Madison and Julio C. Mojica.

C. SWEARING IN: Chair Brown swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

MOTION to Approve the Agenda as Presented by Commissioner Storey.

Second by Commissioner Childress.

The motion passed by a voice vote of seven to zero.

E. MINUTES: Consider approval of the February 28, 2017 minutes.

MOTION to Approve the February 28, 2017 Minutes as Presented by Commissioner Childress.

Second by Commissioner Storey.

The motion passed by a voice vote of seven to zero.

F. ACTION ITEMS (PUBLIC HEARING ITEMS):

- 1. CASE 17-005 VAR: A Request for Side Yard, Rear Yard, Rear Yard Coverage, and Height Variances for Conversion of Existing Structure into the Primary Residence taking into Consideration Future Additions and/or Porches;** Legal Description: Subd: ALLISON REDIV Block: 2 Lot: 9 Quarter: SW S: 29 T: 10S R: 24E BK: 649 PG: 379 WDJT (Owner: Julio Mojica and Yanet Mojica) **EXHIBITS:** (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Motion to Waive the Reading of the Land Use and Zoning Considerations and Finding of Facts with Respect to Case 17-005 by Commissioner Armstrong.

Second by Commissioner Gross.

The motion passed by a voice vote of seven to zero.

Chair Brown: Is there anyone wishing to speak in favor of 17-005?

Julio Cesar Mojica – owner of the property. Mr. Mojica requested to convert the existing structure into a residential structure and consideration of future additions.

Richard Madison: Resides at 3109 Chapparral Road and represents BMR properties and own the vacant land across the alley on the Union side of the block and indicated he is in favor of Mr. Mojica's project.

Mr. Madison raised a concern about the alley that goes behind his house and between the properties. The 15' wide alley, makes it difficult for garbage trucks and it looks like big dumpsters in the alley have been removed. Mr. Madison suggested setbacks of 5' or so to put dumpsters in the alley when looking at variance applications. Everyone has put a fence right on the line and people can't be asked to move a fence already installed.

Chair Brown: Is there anyone wishing to speak against 17-005?

None spoke.

Mr. Morris: Mr. Morris commented on this development scenario as being an unusual configuration that has been in place a long time. There is a structure on the back property line and a small alley. The applicant's intent is to use what is there and through a building permit make it consistent with the International Building Code. The plat dates back to 1940 when the fifteen foot alley was instituted. The water meter was established in 1970. Mr. Morris agrees a fifteen foot alley is narrow. Newer areas of development without alleys have ninety (90) gallon containers rolled out to front.

Commissioner Armstrong: Expressed concern about the alley, and that the trash will probably be picked up on the street side like in newer areas. An easement cannot be changed there.

Mr. Najjar: Suggested a solution that property owners on each side of the alley donate feet for the alley.

Commissioner McDaniel. Asked if there be two houses or just one.

Mr. Mojica: The structure was built there when I bought the property. Wants to possibly make an addition on the front.

Mr. Najjar: There is only one structure at this time. For whatever reason there was an accessory built solely on this property.

Ms. Hildreth: Wanted to let the Commission know that the Zoning Office received one phone call concern would be used as a rental.

MOTION – 17-005 VAR

Commissioner Storey made a motion to approve Case 17-005 a variance request taking into consideration the finding of facts, the information presented tonight and the testimony we received.

Second by Commissioner McDaniel.

The motion passed by a voice vote of seven to zero.

2. CASE 17-006 ZOC: A Request for Change in Zoning from R-3 to C-4 for Properties in the 100 Block of N Missouri Ave;

Legal Description: Subd: WEST SIDE Block 18: Lots 8 AND: -Lot: 9 (Montgomery/Owner) Lot: 10 (Myall & Beverage/Owners) Lot: 11 (Taylor Investments/Owner) S: 5 T: 11S R: 24E **EXHIBITS:** (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Motion was made to Waive the Reading of the Land Use and Zoning Considerations and Finding of Facts and other relevant materials with related to Case 17-006 by Commissioner Armstrong.

Second by Commissioner Gross.

The motion passed by a voice vote of seven to zero.

Chair Brown: Is there anyone wishing to speak in favor of 17-006?

Mr. Najar: The applicant is the City of Roswell. Testifying as the Director of Planning and Engineering, this is a good zone change to promote economic development in the City. I commend Merideth and Staff for bringing this to zoning. Mr. Najar indicated he is in favor of this and hopes to get some business across from the vitamin shop.

Chair Brown: Is there anyone wishing to speak against 17-006?

None spoke

Mr. Morris: This is a situation with a thin commercial corridor running east west, to make it more consistent within this one block to help with potential business development in this area. There will be some other areas we will bring forward over time.

Commissioner Storey: From the aerial photos, it looks like there are two structures on those four (4) lots.

Commissioner Armstrong: One was Dr. Montgomery's office and it is vacant, he has moved.

Ms. Hildreth: The other structure is a house.

Commissioner Storey: Raised the question of who owns the lots.

Mr. Morris: Lots are owned by private sector folks. There is commercial on one side of the street, commercial to the north, and an existing office structure used for a long time. There is just the one piece missing which is an old house that could easily be converted.

Commissioner Storey: Asked why the City is proposing the zone change.

Mr. Najjar: We've had some nibbles. There are examples of conversions of houses to attorney's offices and beauty salons. If we change the zoning there, we may have some bites. The City is taking action to rezone these properties to make the whole block commercial. They are not against it and the City is paying for the zone change.

Mr. Morris: This is correcting a development pattern to encourage certain things in some areas and discourage things in other areas. This will establish a pattern to encourage business in certain areas and protect residential areas from commercial incursions that are not appropriate. Re-Zoning is an issue we deal with on a regular basis. This is our first step doing this. There will be other cases we will find should have been done long ago.

Chair Brown: Indicated he has no way to know that the owner was notified other than verbal comments from the staff.

Mr. Najjar: We can get letters of concurrence.

Ms. Hildreth: Staff has placed several unanswered calls to the owner of the residence on the block. Staff sent certified letters to all property owners.

Mr. Morris: In the future, Staff will include all those letters as part of the record.

MOTION – 17-006 ZOC

Commissioner Gross made a motion to approve Case 17-006 based on the testimony given before us today with the finding of facts and conclusions of law.

Second by Commissioner Armstrong.

The motion passed by a voice vote of seven to zero.

3. Text Amendment: Multi-Generational Housing

Mr. Morris: We brought these in a draft form at the last meeting. This one is about accessory housing units to allow family members to stay close to a family group. These are sometimes called Granny Flats or accessory housing units. Limit them to 400 square feet and comply with the building code. Our concern has not been the creation of these units, but what happens to these units with the occupant no longer needs it. What typically happens, these become rental units when no longer needed by the family member. The text amendment proposes review every five years and substantiate the unit is being used for the reason originally approved. The County reviews accessory residential units every three years. In a lot of ways this is an old concept.

Commissioner Storey: What happens when the unit is no longer used?

Mr. Morris: We are looking at the electrical service or water meter. Maybe an additional water meter installed could be capped off to the back unit when no longer used as family unit.

Commissioner Gross: Back in the day, some units had half addresses. If units have separate addresses, they can have separate services.

Commissioner McDaniel: Mentioned observing where service has been jumped across from the primary structure (to an accessory structure). He wanted to understand the reasoning behind preventing them from turning into rental properties.

Mr. Morris: Especially in single family residential areas, there is an expectation that a certain amount of activity will occur.

Commissioner McDaniel: He mentioned the scenario where people with a house rent out two or three bedrooms to a traveling nurse or fireman, there is increased traffic. Speaking as a landlord, people are desperate to find reasonably priced housing in reasonable areas. He doesn't personally see a problem with allowing the units to be used as rentals. It will be difficult to control this.

Chair Brown: As a Commissioner, it's important that R-1 remains R-1 unless there is a rezoning. It seems the County recently ruled against a property to remove a separate unit that was originally used as a second residence enforced by the County Commissioners.

Commissioner McDaniel: Questioned if a R-1 property with more than one unit could be rezoned.

Mr. Najjar: That would be Spot Zoning.

Mr. Morris: State Law states that municipalities must allow this and there must be a process to allow the accessory structures for family. The concern is how to make sure a neighborhood stays a neighborhood before going completely rental. The concern is that the accessory residential structure will become a rental. A single family with relatives in the back yard will possibly take care of the property differently than if there is a rental unit in the back yard.

Chair Brown: We would be recommending this to City Council with our approval.

Mr. Morris: Stated he wanted more comments now. It still has to go through the City's Legal Committee.

Chair Brown: Stated in favor of moving (the text amendment) forward.

Commissioner McDaniel: If a property owner had the intention to make it a rental, the property owner would probably want that unit to have its own service for power, gas, and water. One service for both could impede some conversions into rental.

MOTION – TEXT AMENDMENT FOR MULTI-GENERATIONAL HOUSING

Commissioner Armstrong made a motion to proceed forward with this particular Amendment to the Ordinance 17-XXX to move forward through the steps required.

Second by Commissioner McDaniel.

**The motion passed by a voice vote of six to zero.
one opposed (Commissioner Gross).**

4. Text Amendment: Lighting Standards

Mr. Morris: These are the lighting standards we talked about before, especially LEDs lighting issues. Mr. Morris spoke with some lighting contractors who have experience with LEDs and how they are different. It's a different lighting source than traditional lighting with some benefits and some impacts. Proposed last time to minimize lighting to 4,000 CCT (Correlated Color Temperature), light poles not to exceed twenty-five feet (25') in height, and keep them at ninety (90) degrees to prevent light from shining into other people's properties.

Commissioner Armstrong: This is being adopted all over the country.

Mr. Morris: There are different standards. We are finding new stuff about these. They are being used more across the board.

Commissioner Armstrong: What did the city do at the Convention Center's (new parking lot)?

Mr. Najar: (The parking lot lights are) LED with the temperature a little more than the 4,000 CCT and pointed downward at ninety (90) degrees to Night Skies regulations.

The American Medical Association has published information that when the lights are brighter than 4,000, the white or blue light is almost sunlight, it's not good at night for the human brain and human activity. A human has to have some sort of night. Remember when a car went under the old sodium street lights, what color was it (the vehicle)? You couldn't tell the color. With the 4000 CCT, you can tell the color of a vehicle, but it doesn't imitate sunlight or daytime conditions like the highest temperature and highest lumens. LEDS are cheaper to run than the sodium bulbs and halide bulbs.

Like Bill said, we are trying to get ahead of this issue (with this text amendment) and be responsible for Night Skies, and don't want it too bright because we will have neighbors complaining.

Commissioner McDaniel: I think the most important thing is the angle facing down.

Commissioner Gross: This is a good way to go.

MOTION – TEXT AMENDMENT LIGHTING STANDARDS

Commissioner Storey made a motion that our commission gives this a positive note to move on to City Council for the proposed ordinance text amendment for street lighting.

Second by Commissioner McDaniel.

The motion passed by a voice vote of seven to zero.

G. OTHER BUSINESS:

Mr. Morris: If anyone has any additional comments, information, recommendations before text amendments go to the Legal Committee, we welcome it.

Chair Brown: Until items go to City Council there will be discussions and changes made. Bill, you did a good job on getting the core and essence of it.

H. PUBLIC COMMENTS

Richard Madison, residing at 3109 Chaparral: Has anyone approached recycling the water at the splash pad?

Mr. Najar: We looked at recycling (water) and the cost and return versus what we are paying for water, and the rate of return wasn't there for recycling. Albuquerque has been recycling water at the zoo where bacteria was growing on play surfaces at the splash pad, and had to close it a couple of times. We decided not to recycle for safety and hygiene considerations and recycling takes much more maintenance.

Commissioner McDaniel: So this water goes straight to the sewer. Is there any way it could be used to water the park?

Mr. Najar: We didn't look at it that way. We looked at the cost, did our homework, checked with other splash pads, checked with other concrete surfaces. When we made the decision, we were thinking about the kids number one.

Commissioner Gross: Has the splash pad been opened a full year already?

Mr. Najar: We will be in the second year in May.

Mr. Najar: We will have a new City Manager, Joseph Neeb, from Spearfish, South Dakota, population 10,500.

There is an annual Council Retreat in April 7 and 8. He will fly in April 6. He has accepted the offer and the City is still working out the terms of the contract.

I. ADJOURN

The meeting adjourned at 6:54 p.m.